

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 4172 of 2000****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)
Versus
MANSUKHBHAI POPATBHAI POPAT 3RD SPECIAL LAND ACQUISITION -
Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner No(s).: 1.
MR GK RATHOD for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**Date : 22/08/2005****ORAL JUDGMENT**

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1. This petition is directed against the judgment and award dated 27th October, 1999 passed by the Labour Court, Vadodara in Reference No. 1401 of 1998, whereby the Labour Court has directed the petitioner to reinstate

the respondent in service without back wages and further a penalty of stoppage of five increments with future effect.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. On 6th February, 1995, while the respondent was on duty, the bus was checked by the checking squad of the petitioner Corporation and the squad found certain irregularities in the issuance of tickets and collection of fares. Therefore, charge sheet was issued and departmental inquiry was initiated against the respondent. Since the charges levelled against the respondent were proved, the respondent was terminated from the service w.e.f. 21st August, 1996.

2.1. Being aggrieved by the termination order, the respondent raised an industrial dispute which was ultimately referred to the Labour Court, Vadodara for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties

and have perused the materials produced on record. While passing the impugned award the Labour Court has given the benefit of doubt to the respondent workman. In my opinion, the Labour Court was justified in ordering reinstatement to the workman. I am in complete agreement with the reasonings adopted and findings arrived at by the Labour Court in ordering reinstatement in service to the respondent and find no reason to interfere in this petition. Apart from that in view of the subsequent development the respondent has been reinstated in service vide order dated 20th February, 2001 and subsequently he was granted promotion also.

4. In the result, the petition is dismissed. The impugned award passed by the Labour Court is confirmed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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